

HOUSE CONCURRENT RESOLUTION NO. 112

(By Delegates Overington, Anderson, Andes, Armstead, Azinger,
Border, D. Campbell, Canterbury, Carmichael, Cowles, Duke, Ellem,
Ellington, Evans, Gearheart, Givens, Hamilton, Hartman,
Householder, Howell, Ireland, Longstreth, Michael, C. Miller, J.
Miller, Nelson, O'Neal, Pasdon, Reynolds, Romine, Rowan, Savilla,
Sigler, Snuffer, Sobonya, Storch, Sumner and Walters)

Calling on the United States Congress and instructing Congress to
convene a single issue Federal Convention called the BALANCED
BUDGET AMENDMENT convention under the authority reserved to
the States in Article V of the United States Constitution.

WHEREAS, Article IV, Section 4 of the Constitution of the
United States guarantees to every state a Republican form of
government which gives each state equal standing when calling for
a Constitutional Convention. Article V of the Constitution of the
United States reserves to the several states the right to call for
a federal Constitutional Convention for the purpose of amending the
United States Constitution when Congress or the courts or both
Congress and the courts refuse to address an egregious wrong
suffered by the people; and

WHEREAS, The states alone have the authority to "limit" the
agenda and authority of a Federal Convention. The states alone can

1 call for a "Single Issue" convention by agreeing among themselves
2 the purpose, terms, conditions, duration, and agenda for the
3 Convention. Congress does not have the authority to define a
4 "Single Issue" Convention. The authority of Congress, under
5 Article V of the United States Constitution, empowers it to convene
6 a convention as called for and defined by the several states. The
7 several states alone have the authority to enforce the terms and
8 conditions at the BALANCED BUDGET AMENDMENT convention; and

9 WHEREAS, The BALANCED BUDGET AMENDMENT convention will be a
10 "Single Issue" Federal Convention. The delegates summoned to this
11 convention by Congress will have the authority to decide only one
12 issue, "Should the proposed BALANCED BUDGET AMENDMENT be sent to
13 Congress with instructions to send the Amendment back to the
14 several states for ratification?" The delegates at the BALANCED
15 BUDGET AMENDMENT convention will have no authority to change the
16 wording of the proposed Amendment, neither will they be authorized
17 to deliberate on or discuss any other subject matter or issue at
18 the convention. The purpose, terms and conditions that will govern
19 the agenda and affairs of the BALANCED BUDGET AMENDMENT convention
20 are as follows: The *only* purpose for convening the BALANCED BUDGET
21 AMENDMENT convention is for the State Delegations, representing the
22 several states, to decide if a BALANCED BUDGET AMENDMENT should be
23 sent to the United States Congress with instructions for Congress
24 to send the amendment to the several states for ratification.

1 Absolutely no other business will be authorized at this convention;
2 therefore, be it

3 *Resolved by the Legislature of West Virginia:*

4 That the United States Congress convene a single issue Federal
5 Convention called the BALANCED BUDGET AMENDMENT convention under
6 the authority reserved to the states in Article V of the United
7 States Constitution and to decide if a BALANCED BUDGET AMENDMENT
8 should be sent to the United States Congress with instructions for
9 Congress to send the amendment to the several states for
10 ratification; and, be it

11 *Further Resolved,* That the following Amendment, as herein
12 written, is to be presented and voted on by the State Delegations
13 at the Balanced Budget Amendment convention:

14 **BALANCED FEDERAL BUDGET AMENDMENT**

15 **ARTICLE 28 (or alternate number to be assigned by Congress)**

16 **Section 1.** It is the right of citizens to enjoy a fiscally sound
17 and debt free federal government which is foundational to a free
18 people and must not be violated by the state.

19 **Section 2.** It is hereby mandated that the United States Congress
20 will conduct the fiscal affairs of the United States Government
21 according to the requirements of this Article.

22 **Section 3.** A Balanced Federal Budget consists of accurately
23 assigning the sum of all federal receipts (which includes all tax
24 revenues and all other sources of government income) to pay for all

1 Federal expenditures within a given year and with the mandate not
2 to allow expenditures to exceed revenue and income. The following
3 exceptions apply:

4 (a) In time of war or national emergency the United States
5 Congress can authorize expenditures to exceed income and revenue as
6 is required to protect the interests and security of the United
7 States and its citizens. However, the United States Congress is
8 required to amortize the repayment of any debt incurred over a
9 maximum of ten years from the end of the war or national emergency.
10 The United States Congress is prohibited from extending the
11 repayment of the debt beyond ten years which includes the repayment
12 of monies borrowed and any interest that may have accrued in order
13 to service said debt. Congress can repay the debt, in full, in
14 less than ten years, but must pay no less than 1/10th of the
15 original amount owed by the Government, including interest, in each
16 remaining year of the ten-year term, unless the balance is less
17 than 1/10th of the original amount.

18 (b) The United States Congress is authorized to allow
19 expenditures to exceed revenues and income when in the collective
20 wisdom of two thirds of the members of both Houses of the United
21 States Congress it is necessary to do so. However, the United
22 States Congress is required to amortize the repayment of any debt
23 incurred over a maximum of five years from the date said debt was
24 authorized by Congress. The United States Congress is prohibited

1 from extending the repayment of said debt beyond five years which
2 includes the repayment of moneys borrowed and any interest that may
3 have accrued in order to service said debt. Congress can repay the
4 debt, in full, in less than five years, but must pay no less than
5 $1/5^{\text{th}}$ of the original amount owed by the Government, including
6 interest, in each remaining year of the five year term, unless the
7 balance is less than $1/5^{\text{th}}$ of the original amount.

8 **Section 4.** The United States Congress is prohibited from taking
9 any debt that may remain from previous year deficits and include
10 it/them as part of a new deficit expenditure in current or future
11 years.

12 **Section 5.** It is further prohibited for the United States Congress
13 to extend the repayment of any and all debt incurred beyond the
14 time lines required in this Article.

15 **Section 6.** All current debt owed by the United State Government at
16 the time this Article is ratified, including accrued interest to
17 service said debt, must be repaid by the United States Congress
18 within twenty years from the date this Article is ratified by the
19 several states. Congress can repay the current debt, in full, in
20 less than twenty years, but must pay no less than $1/20^{\text{th}}$ of the
21 original amount owed by the Government, including interest, in each
22 remaining year of the twenty-year term, unless the balance is less
23 than $1/20^{\text{th}}$ of the original amount.

24 **Section 7.** To secure the rights of citizens to enjoy a fiscally

1 sound and debt free federal government, which is foundational to a
2 free people, it is hereby prohibited for the United States Congress
3 to allow federal expenditures to exceed federal revenue and income,
4 in any given year, as mandated by the requirements and allowances
5 of this Article.

6 **Section 8.** This Article shall be immediately enforceable upon the
7 United States Congress when ratified by three quarters of the
8 several states; and, be it

9 *Further Resolved,* That the Clerk forward a copy of this
10 resolution and Legislative Call to the members of the West Virginia
11 delegation to Congress and to the Speaker of the House of
12 Representatives and the President of the Senate.